THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.13700, 13718, 13719 AND 13725 OF 2007

DATED: 05-09-2007

BETWEEN

Thammiraju Krishnamma,
S/o. Late Simhachalam,
Occ: Agriculture,
R/o. Madhurawada,
Visakhapatnam Rural,
Visakhapatnam and others.

...PETITIONERS

AND

Mandal Revenue Officer,
Visakhapatnam Rural,
Visakhapatnam and another.

...RESPONDENTS

COMMON ORDER:

Petitioners submit that they are the owners of certain extents of lands in different survey numbers i.e. Sy.No.330/B-4 (presently in S.No.368/2), Sy.No.330/B-4 (presently in S.No.369/2), Sy.No.330/B-3 (presently in Sy.No.369/1) and Sy.No.330/B-2 (presently in Sy.No.369/2) respectively of Madhurawada, Visakhapatnam Rural, Visakhapatnam District. They submit that originally a part of Sy.No.330 was carved out from the lands in Sy.Nos.356, 358 and 359 during the settlement operations and thereafter, Sy.No.330 was

sub-divided into Sy.No.330/A and 330/B, while all the Zeroythi lands were classified under Sy.No.330/B the Government lands were classified under Sy.No.330/A. The petitioners further submit that their lands in the respective

survey numbers are Zeroythi lands but not Government lands and during the Assignment Crash Program,
D-Form pattas were granted in their favour.

2. The petitioners further submit that when the respondents interfered with their lands stating that the said lands were assigned in their favour and they cannot sell away the same, though they do not belong to the Government, they filed W.P.No.5510 of 2004 and this Court by order dated 24.03.2004 in WPMP.No.7188 of 2004 directed the respondents to maintain status quo. After filing the counter in the said writ petition stating that the D-Form pattas were erroneously granted and that the lands in question were handed over to VUDA for development, was withdrawn after verifying the settlement records and the lands were restored in favour of the petitioners; the writ petition was withdrawn in May 2007. They further submit that the said lands are not assigned lands but patta lands and when some of the petitioners wanted to alienate their lands, the Tahsildar, Visakhapatnam, while furnishing the particulars of the assigned lands included the lands of the petitioners also as assigned lands; therefore, the Sub-Registrar is not entertaining the sale deeds.

3. Learned counsel for the petitioners submits that the petitioners have made representations dated 24.03.2007 before the Mandal Revenue Officer, Visakhapatnam indicating the aforesaid fact and requested him to delete their lands from the assignment register,
as the said lands are Ryotwari lands. The said representations dated 24.03.2007 are pending before the first respondent.

4. I am not inclined to express any opinion with regard to the merits of the case as to whether the said lands are Ryotwari lands or assigned lands. In view of the aforesaid facts and circumstances of the case and as in the earlier writ petition also it was admitted that by mistake D-form Pattas have been granted, I am of the opinion that it is just and proper for the first

respondent to consider and dispose the representations of the petitioners in accordance with law.

The writ petitions are accordingly disposed of directing the first respondent to consider and dispose the representations of the petitioners dated 24.03.2007 in accordance with law as expeditiously as possible, within a period of six (6) weeks from the date of receipt of a copy of this order, after giving reasonable opportunity to the petitioners. The petitioners are also permitted to file all the relevant documents in support of their claim that the said lands are not assigned lands but patta lands. There shall be no order as to costs.

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V. ESWARAIAH, J

September 5, 2007
DSK